

06/26/01
JCS72 U.S. PTO

06-28-01

A

Patent
Attorney Docket: 264/027

To: Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

J1036 U.S. PTO
09/893122
06/26/01


NEW APPLICATION TRANSMITTAL - UTILITY

Sir:

Transmitted herewith for filing is a **utility** patent application:

Inventor(s): Hassan Mostafavi

Title: METHOD AND SYSTEM FOR PREDICTIVE PHYSIOLOGICAL GATING

I. PAPERS ENCLOSED HEREWITH FOR FILING UNDER 37 CFR § 1.53(b):

59 Page(s) of Written Description
15 Page(s) Claims
1 Page(s) Abstract
27 Sheets of Drawings Informal Formal

II. ADDITIONAL PAPERS ENCLOSED IN CONNECTION WITH THIS FILING:

Declaration
 Power of Attorney Separate Combined with Declaration
 Assignment to Varian Medical Systems, Inc. and assignment cover sheet
 Certified Copy of Priority Document No(s):
 Information Disclosure Statement w/PTO 1449 Copy of Citations
 Preliminary Amendment
 Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35
 Return Postcard
 Other:

CERTIFICATE OF MAILING
(37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

EL846342958US
Express Mail Label No.

June 26, 2001
Date of Deposit

Cindy McMorrow
Name of Person Mailing Paper
Cindy McMorrow
Signature of Person Mailing Paper

III. PRIORITY

Priority under 35 U.S.C. § 120 is claimed for application Serial Nos. 09/178,383 filed on 10/23/98, 09/178,385, filed on 10/23/98, 09/712,724 filed on 11/14/00, which is a continuation of Serial No. 09/178,384 filed on 10/23/98.

IV. THE FILING FEE HAS BEEN CALCULATED AS SHOWN BELOW:

Applicant claims small entity status pursuant to 37 CFR § 1.27

BASIC FILING FEE:						\$710.00
Total Claims	79	-	20	=	59	x \$18.00
Independent Claims	12	-	3	=	9	x \$80.00
Multiple Dependent Claims	\$270	(if applicable)				\$0.00
TOTAL OF ABOVE CALCULATIONS						\$2,492.00
Reduction by ½ for Filing by Small Entity, if applicable, as asserted above. Note 37 CFR §§ 1.9, 1.27, 1.28.						\$0.00
Misc. Filing Fees (Recordation of Assignment -- \$40)						\$40.00
TOTAL FEES DUE HEREWITH						\$2,532.00

V. METHOD OF PAYMENT OF FEES

A check in the amount of _____.
 Charge Lyon & Lyon's Deposit Account No. **12-2475** in the amount of \$2,532.00.
 This application is being filed without fee or Declaration under 37 CFR § 1.53.

VI. AUTHORIZATION TO CHARGE FEES

The Commissioner is authorized to credit any overpayment and to charge any underpayment to Lyon & Lyon's Deposit Account No. **12-2475** for the following:

37 CFR § 1.16 – (Filing fees and excess claims fees)
 37 CFR § 1.17 – (Any application processing fees)
 37 CFR § 1.21 -- (Assignment recording fees)

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VII. CORRESPONDENCE ADDRESS

Please send all correspondence to Customer Number 22249:



22249
PATENT TRADEMARK OFFICE

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Please direct all inquiries to Peter C. Mei, at the above customer number.

Respectfully submitted,

LYON & LYON LLP


By:

Peter C. Mei
Reg. No. 39,768

Dated: 6/26/01

DEPARTMENT OF COMMERCE

Patent
Attorney Docket: 264/027

PTO/SB/35 (11-00)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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**REQUEST AND CERTIFICATION
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	Hassan Mostafavi
Title	METHOD AND SYSTEM FOR PREDICTIVE PHYSIOLOGICAL GATING
Atty Docket Number	264/027

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

06/26/2001

Date



Signature

Peter C. Mei

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231